

1 BARRY J. PORTMAN  
Federal Public Defender  
2 MANUEL U. ARAUJO  
Assistant Federal Public Defender  
3 160 West Santa Clara Street, Suite 575  
San Jose, CA 95113  
4 Telephone: (408) 291-7753

~~CONFIDENTIAL~~

5 Counsel for Defendant PERDOMO-SOTO  
6  
7

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,	)	No. CR-10-00373 - RMW
12	)	
13 Plaintiff,	)	<b>STIPULATION TO CONTINUE</b>
14 v.	)	<b>SENTENCING DATE TO</b>
15 LUIS PERDOMO-SOTO,	)	<b>FEBRUARY :, 2012 AND</b>
16 Defendant.	)	<b>   ORDER</b>

17 The parties, the United States of America, and defendant, Luis Perdomo-Soto, through their  
18 respective counsel, and subject to the Court's approval, stipulate and agree that the Court move  
19 the sentencing date in this case from January 9, 2012 to February 8, 2012, at 10:00 a.m. The  
20 continuance is requested by the defendant's counsel for the following reasons. On November 6,  
21 2011, defense counsel's eighty-eight year old mother broke her hip. On November 9, 2011,  
22 defense counsel made his final argument in the case of United States vs. Suibin Zhang. CR 05-  
23 00812 RMW. Between November 9, 2011, through November 25, 2011, defense counsel took  
24 leave to attend to his mother who after overcoming complications, had hip surgery on November  
25 12, 2011. A number of complications arose due to counsel's mother's age, health, and the effects  
26 of major surgery. On November 22, 2011, counsel's mother's doctors sent her home where she  
27 received hospice care and with the expectation that she would die shortly. Counsel's mother  
28 died on December 13, 2011, and was buried on December 20, 2011. Because of these reasons

STIPULATION TO CONTINUE SENTENCING DATE  
No. CR-10-00373 - RMW

1 and counsel's case load, he has not had sufficient time to complete his investigation and/or  
2 complete a supplemental pleading regarding whether the defendant is entitled to a safety value  
3 departure from the mandatory minimum sentence. Defense counsel will also not be available  
4 during the week of January 3, 2012, and therefore cannot complete his work during that week.

5 Defense counsel has conferred with United States Probation Officer Aylin Raya, and she has  
6 no objection to the proposed date.

7 IT IS SO STIPULATED.

8  
9 DATED: January 3, 2012

Respectfully submitted,

10  
11 /S/  
12 MANUEL ARAUJO,  
Attorney for Defendant

13 DATED: January 3, 2012

14 /S/  
15 EUMI CHOI,  
Assistant United States Attorney

16  
17 **|| ORDER**

18  
19 WHEREFORE, based on the above, the COURT HEREBY ORDERS that the sentencing  
20 date in the above-captioned case be moved from January 9, 2012 to February 8, 2012,  
21 at 10:00 a.m.

22  
23 DATED: FEB 8

24 *Ronald M. Whyte*  
RONALD M. WHYTE,  
United States District Court Judge